

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

KYLE B. RICHARDS, et al.,

Case No. 2:20-cv-76

Plaintiffs,

Hon. Hala Y. Jarbou  
U.S. District Judge

v.

UNKNOWN PERTTU,

Defendant.

**ORDER**

This Order addresses Plaintiffs' motion for a federal investigation and monitoring. (ECF No. 163.) Plaintiff prisoners Kyle B. Richards, Kenneth D. Pruitt, and Robert L. Kisse filed this lawsuit pursuant to 42 U.S.C. § 1983 on April 23, 2020. In their complaint, Plaintiffs asserted that while they were confined at Baraga Correctional Facility (AMF) in Baraga, Michigan, Defendant Resident Unit Manager (RUM) Perttu engaged in a pattern of sexual abuse against them in violation of their Eighth Amendment rights. (ECF No. 1.) RUM Perttu moved for summary judgment based on exhaustion on September 25, 2020. (ECF No. 34.) The Court denied Perttu's motion because it found there was a genuine issue of material fact as to whether Perttu thwarted Plaintiffs' attempts to exhaust. (ECF No. 97, PageID.438; ECF No. 105.)

Upon Perttu's request and under the authority of *Lee v. Willey*, 789 F.3d 673, 678 (6th Cir. 2015), the Court set a bench trial on exhaustion for November 4, 2021 (ECF No. 120.) Plaintiffs now assert that during the bench trial, the undersigned

allowed employees of the Michigan Department of Corrections (MDOC) to manipulate the video and recording technology to erase or override witness testimony. (ECF No. 163, PageID.847.) Plaintiffs further assert that the undersigned allowed the MDOC to assign Plaintiffs' powers of attorney to a third party, to prevent them from filing additional pleadings. (*Id.*) Plaintiffs' allegations are wholly conclusory and without merit.

Accordingly, Plaintiffs' motion for a federal investigation and monitoring (ECF No. 163) is respectfully DENIED.

IT IS SO ORDERED.

Date: February 8, 2022

/s/ Maarten Vermaat  
MAARTEN VERMAAT  
U.S. MAGISTRATE JUDGE